

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

CONNES B. CAMPBELL,

Defendant.

ORDER

06-cr-89-bbc

Defendant Connes B. Campbell filed a motion under 18 U.S.C. § 3582 and the retroactive application of the 2014 amendment to the drug guidelines, USSG §§ 1B1.10 and 2D1.1 for a reduction in the sentence imposed on him on August 31, 2006. He has also filed a motion for appointment of counsel. Both motions will be denied because defendant is not eligible for a sentence reduction under a change in the guidelines.

My review of defendant's file shows that he pleaded guilty to possessing more than five grams of cocaine base (crack cocaine) with intent to distribute it, in violation of 21 U.S.C. § 841(a)(1). At sentencing, he was determined to be a career offender as defined in U.S.S.G. § 4B1.1(a). Once that determination was made, defendant's base offense level rose to 34 because the maximum statutory penalty for his crime was more than 25 years. §

4B1.1(b)(B).

Unfortunately for defendant, the amendment does not apply to him, because his sentence was determined by his status as a career offender and not by drug quantity. Therefore, he is not eligible for a reduction in his sentence under the retroactive application of the 2014 amendment to the drug guidelines.

ORDER

IT IS ORDERED that defendant Connes B. Campbell's motion for a sentence reduction under 18 U.S.C. § 3582 and motion for appointment of counsel are DENIED.

Entered this 13th day of May, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge